

### Remarks

As aforementioned, a telephone interview was conducted with Examiner Dawson on 31 July, 2007, and an Advisory Action was then issued. Although the Examiner indicated in the recent Advisory Action that an amendment of 26 July, 2007 has been entered for purposes of appeal, Applicants however have disregarded it for purposes of this continued prosecution.

Claims 1-16 stand rejected. Claims 17-34 have been determined to be allowable by the Examiner. A new claim 35 has been added, which depends upon currently amended claim 1.

In light of the foregoing amendments and the following remarks, Applicants respectfully request entry of this reply and reconsideration and allowance of claims 1-16 and new claim 35 under 37 CFR 1.114. Applicants believe that this amendment is necessary for a determination of allowance of claims 1-16. It was not presented earlier because, *inter alia*, (i) counsel believed that a previous amendment and remarks submitted herein would have been sufficient for allowance of claims 1-16 and (ii) translation, typographical, and grammatical errors from the original French priority application to English were just detected, as further described below. Thus, amendments have been made herein to the specification and to claims 1, 19, and 30-34; and new dependent claim 35 has been added as aforementioned.

#### Rejections under 35 U.S.C. §§102 and 103.

The Examiner rejected claims 1, 2, 5, 6, 13, 15, and 16 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 2,199,690 ("the Bullard patent" or "Bullard"). The Examiner also rejected claims 3, 4, 7-12, and 14 under 35 U.S.C. §103(a) as allegedly being unpatentable over the Bullard patent.

In response, Applicants again assert that Bullard generally teaches a gas mask assembly while Applicants' invention is for treatment of anatomical disorders of the pelvic region. Those of ordinary skill in the surgical urology art of Applicants' invention would not confuse their invention for Bullard's gas mask harness, nor would they be deemed in any way to be interchangeable. In particular, and aside from being directed to clearly different technologies,

significant structural differences between Applicants' disclosed and claimed invention and the Bullard patent are evident. For example:

Applicants' invention is constructed from porous biocompatible materials such as, for example, woven or knitted polypropylene or polyester fibers (e.g., page 5, lines 22-28) whereas Bullard's gas mask would without question be gas impermeable and therefore would never be so porously constructed; and Bullard's harness, in particular, is preferably constructed from rubber which is non-porous.

Applicants' invention has anterior suspension straps that are designed to be surgically implanted in a patient's obturated foramen (e.g., page 2, lines 2-3) but Bullard neither teaches nor suggests any surgically implanted straps.

In light of these several and important differences, therefore, Applicants respectfully reassert that Bullard is neither an anticipatory (§102) nor an obviousness (§103) reference. Claim 1 has been amended accordingly.

Thus, Applicants respectfully request withdrawal of the rejections of claims 1, 2, 5, 6, 13, 15, and 16 under §102(b), and claims 3, 4, 7-12, and 14 under §103(a).

Correction of Translation, Typographical, and Grammatical Errors.

As aforementioned, it was discovered after receipt of the final Office Action and subsequent analysis of the present application that the phrase "obstructed foramen" erroneously occurred in several instances in the specification, and that the phrase "obstructed hole" erroneously occurred in claims 30 and 31. Therefore, amendments have been made herein to change "obstructed foramen" and "obstructed hole" to -- obturated foramen --, in accordance with the original specification (at, e.g., page 2, line 3, *et seq.*). Thus, no new matter has been introduced.

Additionally, amendments have been made herein to correct minor typographical and grammatical errors occurring in claims 19 and 32-34.

Allowable Subject Matter.

Applicants gratefully acknowledge the Examiner's decision that claims 17-34 are patentable over the prior art of record.

**CONCLUSION**

Accompanying this reply document is (i) a Petition for Extension of Time Under 37 CFR 1.136(a) document, (ii) a Request for Continued Examination (RCE) Transmittal form, and (iv) a Patent Application Fee Determination Record form. Required fees thereon will be paid via the EFS-Web system upon submission hereof.

Applicants submit that claims 1-16 and new claim 35 are in condition for allowance, which action is respectfully requested; and claims 17-34 have been determined to be allowable by the Examiner.

The Examiner is requested to contact the undersigned counsel to discuss this matter so that allowance of claims 1-16 and 35 may be expeditiously reached.

Respectfully submitted,  
Emmanuel Delorme, et al.

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